

### **REMARKS**

Applicant thanks the Examiner for the thorough consideration given the present application. Claims 1-6 and 8-21 are currently being prosecuted. Claim 7 is canceled, and claims 20-22 are added. Claims 1, 3-6, 8, 11, 13, and 15-19 are amended. Claims 1 and 11 are independent. The Examiner is respectfully requested to reconsider the rejections in view of the amendments and remarks set forth herein.

#### **Claim for Priority**

The Examiner has recognized Applicant's claim for foreign priority and receipt of the certified copy of the priority document. No additional action is required at this time.

#### **Drawings**

The drawings are objected to on the grounds that FIGS. 9 and 10 are not designated by a legend such as "Prior Art." Included with the accompanying Letter to the Official Draftsperson are proposed changes to FIGS. 9 and 10 to identify these drawings as "BACKGROUND ART." Also enclosed are proposed changes to FIG. 1 to show the direction of the carburetor and to FIGS. 7 and 8 to insert reference numeral 21. Upon approval, the proposed changes will be incorporated into the formal drawings.

#### **Acknowledgement of Information Disclosure Statement**

The Examiner has acknowledged receipt of the Information Disclosure Statement filed August 7, 2001, and has returned an initialed copy of the Form PTO-1449. No further action is necessary at this time.

**Rejection under 35 U.S.C. §112, first paragraph**

Claims 7 and 17-19 stand rejected under 35 U.S.C. §112, first paragraph, for lack of enablement. This rejection is respectfully traversed.

While not conceding the appropriateness of the rejections, but merely to advance prosecution of the present application, claim 7 is canceled. In addition, claim 17 is amended to recite that the louver includes a plurality of substantially hexagonal frame portions that are inclined at a predetermined angle with respect to a base of the retainer holder. Claim 18 is amended to recite that the retainer includes a stay positioned at one end for mounting the retainer holder relative to the case, and that the stay is covered by the lid. Claim 19 is amended to recite that the retainer holder includes a flange for retaining the filter relative to the retainer holder.

Support for the amendments to claims 17-19 can be found in the specification, for example, in paragraphs [0024], [0025], and [0036].

It is respectfully submitted that amended claims 17-19 are fully supported by and adequately described in the written description of the invention. Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. §112, first paragraph, are respectfully requested.

**Rejection under 35 U.S.C. § 112, second paragraph**

Claims 1, 7, 11, and 17 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite. This rejection is respectfully traversed.

By this Amendment, claim 7 is canceled; and claims 1, 11, and 17 are amended to address the informalities noted by the Examiner. It respectfully submitted that the amended claims particularly point out, distinctly claim, and provide full antecedent support for the subject matter recited therein. Accordingly, withdrawal of the rejection under 35 U.S.C. §112, second paragraph, is respectfully requested.

**Rejections under 35 U.S.C. §102(b)/§103(a)**

Claims 1-6, 8-16, 18, and 18 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,319,898 to Maierhofer.

In addition, claims 6 and 16 are rejected under 35 U.S.C. §103(a) as being unpatentable over Maierhofer in view of U.S. Patent No. 6,368,374 to Tokar et al.

Claims 7 and 17 are rejected under 35 U.S.C. §103(a) as being unpatentable over Maierhofer in view of U.S. Patent No. 1,895,642 to Preble, and as being unpatentable over Applicant's disclosed related art, Maierhofer, and Tokar et al. in view of Preble.

Claims 1-6, 8-16, 18, and 19 are rejected under 35 U.S.C. §103(a) as being unpatentable over Applicant's disclosed related art in view of Maierhofer and Tokar et al.

These rejections are respectfully traversed.

While not conceding the appropriateness of the rejections, but merely to advance prosecution of the present application, independent claims 1 and 11 are amended to recite an air cleaner having a combination of elements, including a housing forming an interior area, the housing having a case and a lid, and an element holder being mounted on the case and being

enclosed by the case and the lid. Full support for the amendments to claims 1 and 11 can be found in the specification, for example, in paragraphs [0022] and [0024]. See also FIGS. 1 and 2.

It is respectfully submitted that the combinations of elements set forth in amended independent claims 1 and 11 are not anticipated or rendered obvious by the prior art of record, including Maierhofer, Tokar et al., Preble, and Applicant's disclosed related art.

In contrast to Applicant's claimed invention, neither the disclosed related art nor the cited references teaches or suggests an air cleaner comprising a housing having a case and a lid, with an element holder being mounted on the case and being enclosed by the case and the lid. Accordingly, Maierhofer, Tokar et al., Preble, and Applicant's disclosed related art, taken alone or in combination, fail to anticipate or render obvious the presently claimed invention. Reconsideration and withdrawal of the rejections are, therefore, respectfully requested.

Independent claims 1 and 11 should be allowable. Since the remaining claims depend directly or indirectly from allowable independent claims 1 and 11, they should also be allowable for at least the reasons set forth above, as well as for the additional limitations provided thereby. Thus, all pending claims should be in condition for allowance.

#### **Added Claims**

Added claims 20 and 21 depend from claims 1 and 11, respectively, and are directed to the embodiments wherein the lid bulges upwardly from the retainer (claim 20), and one

side of the lid is disposed above the case and another side of the lid bulges and extends outwardly from the case (claim 21). Full support for the limitations of claims 20 and 21 can be found in the application as filed, for example, in FIGS. 1 and 2.

Added claim 22 depends from claim 1 and is directed to the embodiment wherein a connecting tube extends from the case and is connected at its extended end to a carburetor, and the louver includes tip end side opening portions directed to the carburetor on an intake downstream side of the connecting tube. Full support for the limitations of claim 22 can be found, e.g., in paragraphs [0022] and [0033] of the specification as filed and, e.g., FIGS. 1 and 6.

Maierhofer merely discloses a filter 10 which is mounted above a grill or other cooking equipment in a kitchen. The upper side of a exhaust hood 12 of an exhaust system is not clear. Also, a louver 30 does not have a rectification effect; thus, the flow of intake air is not smooth.

Tokar et al. merely discloses a filter element, a housing, and methods useful with gas turbine systems. Tokar et al. discloses an element retainer which is mounted on an upstream side of the filter. Thus, louvers 68 do not have a rectification effect on the intake downstream side. By contrast, since the filter (element 17) of the present invention is mounted on the downstream side, the flow of intake air is made smoother.

It is respectfully submitted that claims 20-22 are allowable for at least the reasons set forth above.

**CONCLUSION**

Since the remaining patents cited by the Examiner have not been utilized to reject claims, but merely to show the state of the art, no comment need be made with respect thereto.

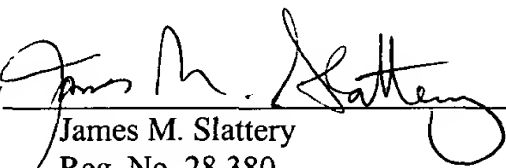
All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. It is believed that a full and complete response has been made to the outstanding Office Action, and that the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, she is invited to telephone Carl T. Thomsen (Reg. No. 50,786) at (703) 205-8000.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly extension of time fees.

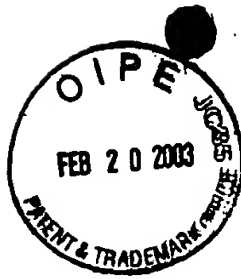
Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By   
James M. Slattery  
Reg. No. 28,380

**505-860P**  
Attachments  
JMS:CTT:rk

P. O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000



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**MARKED-UP COPY OF AMENDED CLAIMS**

Please **cancel claim 7** without prejudice or disclaimer.

Please **amend claims 1, 3-6, 8, 11, 13, and 15-19** as follows:

1. (Amended) An air cleaner comprising:

a housing forming an interior area, said housing including a case and a lid, an element holder being mounted on the case and being enclosed by the case and the lid;

an element for partitioning the interior area of said housing into a dirty side and a clean side; and

a gas-passing element retainer provided on [the] a clean side of [an] said element holder for supporting said element[; wherein] said element retainer [is in] having the shape of a louver comprising a plurality of opening portions and a plurality of rectifier portions projecting at a slant to an upper side of each of said opening portions.

2. The air cleaner according to claim 1, wherein said louver is formed by a plurality of inclined portions that extend from a base portion forming the opening portions in said element retainer for directing air from the gas-passing element retainer.

3. (Amended) The air cleaner according to claim 1, wherein said rectifier portions are formed by [smoothly continuous] smooth, continuously curved surfaces extending from a base portion of said element retainer.

4. (Amended) The air cleaner according to claim 2, wherein said opening portions in said element retainer extend in a first direction, and tip end side openings exiting from said inclined portions extend in a second direction displaced relative to said first direction.

5. (Amended) The air cleaner according to claim 4, wherein said tip end side opening portions [second direction is] are displaced approximately 90<sup>0</sup> relative to the opening portions in said element retainer [that extend in said first direction].

6. (Amended) The air cleaner according to claim 2, wherein said plurality of inclined portions [that extend from the base portion] cover said opening portions in said element retainer for reducing the noise from an engine side of said air cleaner.

8. (Amended) The air cleaner according to claim 1, wherein said element holder includes a stay positioned at one end for mounting said element holder relative to said [housing] case, the stay being covered by the lid.

9. The air cleaner according to claim 8, wherein said element holder includes a flange for retaining said element relative to said element holder.

10. The air cleaner according to claim 1, wherein said element is a filter.

11. (Amended) An air cleaner comprising:

a housing forming an interior area, the housing including a case and a lid, an element holder being mounted on the case and being enclosed by the case and the lid;



a retainer for partitioning the interior area of said housing into a dirty side and a clean side; and

a filter mounted relative to said retainer for cleaning air flowing from said dirty side of said retainer to said clean side[; wherein], said retainer [is] being a louver including a plurality of opening portions and a plurality of rectifier portions projecting at a slant relative to said retainer holder.

12. The air cleaner according to claim 11, wherein said louver is formed by a plurality of inclined portions that extend from a base portion forming the opening portions in said retainer for directing air from the retainer.

13. (Amended) The air cleaner according to claim 11, wherein said rectifier portions are formed by [smoothly continuous] smooth, continuously curved surfaces extending from a base portion of said retainer.

14. The air cleaner according to claim 12, wherein said opening portions in said retainer extend in a first direction and tip end side openings exiting from said inclined portions extend in a second direction displaced relative to said first direction.

15. (Amended) The air cleaner according to claim 14, wherein said tip end side opening portions [second direction is] are displaced approximately 90<sup>0</sup> relative to the opening portions in said retainer [that extend in said first direction].

16. (Amended) The air cleaner according to claim 12, wherein said plurality of inclined portions [that extend from the base portion] cover said opening portions in said retainer for reducing the noise from an engine side of said air cleaner.

17. (Amended) The air cleaner according to claim 11, wherein said louver includes a plurality of [approximately] substantially hexagonal frame portions that are inclined at a predetermined angle with respect to a base of said retainer holder.

18. (Amended) The air cleaner according to claim 11, wherein said retainer includes a stay positioned at one end for mounting said retainer holder relative to said [housing] case, the stay being covered by the lid.

19. (Amended) The air cleaner according to claim 18, wherein said retainer holder includes a flange for retaining said filter relative to said retainer holder.

**CLAIMS 20-22 ARE ADDED.**